

Xidis, Claire

From: Xidis, Claire
Sent: Thursday, January 10, 2008 6:12 PM
To: Jorgensen, Jay T.; David Riggs; lbullock@mkblaw.net; David Page; Trevor Hammons; rgarren@riggsabney.com; Kelly.Burch@oag.ok.gov; Ward, Liza; Jaromin, Michelle; Baker, Fred
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Subject: RE: Oklahoma v. Tyson Foods et al. - Harwood Documents

Jay,

Below are responses to the issues raised in the email you sent me yesterday regarding Dr. Harwood's materials.

1. PI Harwood 1-12 were produced to the defendants, and specifically to Robert George for the Tyson Defendants, on December 4, 2007. This material includes Dr. Harwood's CV (including a list of publications and previous testimony) and her billing rate. That production was supplemented with a complete list of Dr. Harwood's publications from the last ten years, which was bates stamped PI Harwood 13-21, and produced to the Defendants on December 10, 2007.

PI Harwood 41, 589-592, and 1152-1167 were contained on the Harwood disk produced to the Defendants, and sent via Fed Ex to Robert George, as part of the December 20, 2007 production. Since receiving your email yesterday evening, we have reviewed a copy of the disk that we maintained for our records, and those images are intact on that disk. I am not sure why you are unable to locate them. Please check the original disk that was produced to Robert George and if you are still unable to locate these images, let me know and we will burn you a second copy of these images on a disk, but you should have these.

It appears that the PI Harwood 2713-2747 bates range was intended to bates stamp part of the chart contained in the immediate preceding document, PI Harwood 002359-2712. I am getting some technical assistance to look into what happened with this particular bates range, but I suspect that this range was accidentally created and not filled when the chart contained in PI Harwood 2359-2712 was electronically bates stamped. If this is the case, then we will produce the electronic version of PI Harwood 2359-2712 on a disk to ensure you have all the data contained in that chart, and to ensure nothing was lost when the electronic bates stamping occurred. We did not redact or remove anything that warrants a log, and this appears to be a technical issue.

2. PI Harwood 2953 should not have been the last document on the disk. There should have been one more seven page document, PI Harwood 2954-2960, on the disk. I will have this document burned onto a disk and mailed to you.

3. PI Harwood 2851, which you report has one column you cannot read, will be reformatted so that column is readable and this will be added to the disk we will mail you.

4. As for the six charts you state are difficult to use, the electronic versions of these databases will be added to the disk we are sending you. We will not be sending you hard copies as well, as that would be a duplicative production of the electronic information, and you can print these out however you like once you get the electronic versions.

As for your requests regarding Dr. Harwood's publications, testimony, and billing rate in this case, as explained above, that material was provided to Robert George on December 4,

2007, and supplemented on December 10, 2007. We have not produced retention contracts for the experts.

Claire Xidis, Esq.
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-----Original Message-----

From: Jorgensen, Jay T. [mailto:jjjorgensen@sidley.com]
Sent: Wednesday, January 09, 2008 7:38 PM
To: Xidis, Claire; David Riggs; lbullock@mkblaw.net; David Page; Trevor Hammons; rgarren@riggsabney.com
Cc: Jorgensen, Jay T.; Burns, Bryan; Mark_Quayle@cargill.com; George, Robert W.; James Graves; jgriffin@lathropgag.com; sjantzen@ryanwhaley.com; Gary Weeks; rredemann@pmrlaw.net; vbronson@cwlaw.com; bfreeman@cwlaw.com; dehrich@faegre.com; jelrod@cwlaw.com; rfunk@cwlaw.com; thill@rhodesokla.com; Jones, Tim; Hopson, Mark D.; Bond, Michael R.; rsanders@youngwilliams.com; Terry@thewestlawfirm.com; Webster, Timothy K.; jtucker@rhodesokla.com; pbuchwald@ryanwhaley.com; mantene@ryanwhaley.com; jintermill@faegre.com; vmorgan@cwlaw.com; vrobinson@cwlaw.com; lphillips@cwlaw.com; Sperrazza, Quynh C.; lwhite@rhodesokla.com; gbarber@rhodesokla.com; Lawrence Zeringue; pthompson@bassetlawfirm.com; Dolan, Christopher H.; lrockwood@faegre.com; Jones, Bruce; Scott McDaniel; Nicole Longwell; Jinger Waller; kcarney@faegre.com; jwisley@cwlaw.com; kkobbeman@cwlaw.com; Craig A. Mirkes; Pilkington, Patrick; ljsoutherland@rhodesokla.com; Wicker, Bethany J.
Subject: Oklahoma v. Tyson Foods et al. - Harwood Documents

Claire,

Our preliminary review of the documents produced by plaintiffs in connection with the pending deposition of Dr. Harwood shows that a number of documents are either missing or were provided in an unusable format. By this e-mail defendants request the additional production of the following materials.

1. We are missing the following bates ranges from the set produced to us. Please provide these documents, or in the alternative provide a privilege log describing each document and the reason for plaintiff's failure to produce it.

PI-Harwood00000001-21
PI-Harwood000000041
PI-Harwood00000589-592
PI-Harwood00001152-1167
PI-Harwood00002713-2747

2. The last bates numbered page we have is PI-Harwood00002953. Please confirm that this number is the end of the range, or produce any documents thereafter.

3. Document number PI-Harwood00002851 is a chart which cuts off mid-column such that some portion of the chart is unreadable. Please produce a copy of this chart where all columns fit across single pages.

4. The following documents are charts where columns are broken up across pages making using them difficult. Please produce copies of these charts where all columns fit across single pages as well as an electronic copy of each. PI-Harwood00002199-2202; PI-Harwood00000174-185; PI-Harwood00000203-526; PI-Harwood00000613-616; PI-Harwood00001752-1928; PI-Harwood00002360-2712.

Finally, it is possible that you have sent a complete list of Dr. Harwood's publications, testifying experiences, and her retention contract (including the rate) in this case. If so, I have not seen these materials. Would you confirm that you have provided them or send me copies?

Thank you for your prompt attention to this request.

Sincerely,

Jay

Jay T. Jorgensen | Sidley Austin LLP
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Sidley Austin LLP mail server made the following annotations on 01/09/08, 18:38:55:

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